

ON OR NEAR AN
INDIAN
RESERVATION

Tribal foster homes **on or near** an Indian reservation may be licensed or approved based on tribal criteria (25 USC 1931 and 25 CFR 20.100). Authorized payment to the child placing agency or tribe occurs in the same manner as payment authorized by any other licensed child placing agency with which the Michigan Department of Health and Human Services (MDHHS) has a purchase of service contract; see NAA 300, Division of Child Welfare Licensing (DCWL) Foster Care Provider Payment Handbook and policy, and Children's Services Agency Rates for Child Care Institutions and Placing Agencies policy and Juvenile Justice.

Caseworkers should utilize the Native American Affairs Tribal Service Area Map to determine if a foster home has potential to be under tribal jurisdiction; see [Tribal Service Area Map at http://www.michigan.gov/documents/dhs/NAA-Tribal-Service-Area-Map_305179_7.pdf](http://www.michigan.gov/documents/dhs/NAA-Tribal-Service-Area-Map_305179_7.pdf).

Caseworkers must contact a tribal social service director/tribal court for the tribe(s) identified in their county to confirm tribal jurisdiction and/or request a tribal reservation/trust land map to verify tribal jurisdiction.

The Bureau of Indian Affairs (BIA) determines tribal reservation or trust land based upon federal tribal consultation processes with each tribe respectively (25 CFR 20.100). The State of Michigan recognizes tribes and tribal lands as determined by the BIA and/or the State Attorney General's Office.

Verifying On or Near

When a caseworker is uncertain whether a home is considered on or near an Indian reservation, a determination must be made through the office of Native American Affairs in conjunction with the Division of Child Welfare Licensing (DCWL) and the tribe. All final determinations of a home on or near an Indian reservation will be provided by the BIA and/or the State Attorney General's Office (25 CFR 20.100).

**NOT ON OR NEAR
AN INDIAN
RESERVATION**

Foster homes not on or near an Indian reservation must be licensed and assigned a state license number in accordance with the Child Care Licensing Act, MCL 722.111-722.128. Authorized payment to the child placing agency or tribe occurs in the same manner as payment authorized by any other licensed child placing agency with which MDHHS has a purchase of service contract.

**RELATIVE
LICENSING**

Relative licensure is optional for children who are Indian Children as defined by the Indian Child Welfare Act (ICWA). ICWA/MIFPA placement priorities still apply (MCL 712B. 1 - 41).

For tribal foster care homes to be eligible for Title IV-E funding all caregivers must be fingerprinted and documentation must be found in the foster home licensing file.

**INDIAN FOSTER
HOME
VERIFICATION**

Caseworkers must utilize the CWL-120A when a foster home has indicated Indian ancestry on their licensing application; see [CWL-120A](http://www.michigan.gov/documents/dhs/CWL-0120-A_498928_7.pdf) at http://www.michigan.gov/documents/dhs/CWL-0120-A_498928_7.pdf. Copies of the CWL-120A and tribal verification responses must be filed in the foster home licensing file as applicable; see NAA 300.

LEGAL BASIS

Bureau of Indian Affairs (BIA), 25 CFR 20.100-20.299.

Bureau of Indian Affairs (BIA) ICWA Final Rule, 25 CFR 23.

Child Care Licensing Act, MCL 722.111-722.128.

Indian Child Welfare Act, 25 USC 1901 et seq.

Michigan Indian Family Preservation Act, MCL 712B. 1 - 41.